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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,142	11/14/2003	Robert Edward Williams		2384

7590 03/15/2006

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EXAMINER

GUTIERREZ, ANTHONY

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/714,142

Applicant(s)

WILLIAMS, ROBERT EDWARD

Examiner

Anthony Gutierrez

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

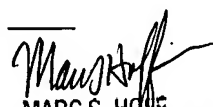
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant has argued against the rejection of record by noting differences between the Applicant's invention and the prior art to Hattori et al. (United States Patent 5,546,327). The Applicant has specifically addressed that the reference is limited to only a single thermal source, that the reference cannot deliver the specific geometries that the Applicant's invention requires, and that statistical methods employed in Hattori cannot be applied to the Applicant's invention. Regarding these and many of Applicant's arguments, the Examiner notes that these are differences between the prior art reference and Applicant's invention as disclosed in the specification and not Applicant's invention as set forth by the claim language. While the Examiner understands that Applicant's specification may disclose a number of differences from the Hattori et al., the Examiner is unable to find many of these features specifically in the CLAIM language. Many of the words used that broadly describe the Applicant's invention are also anticipated by the reference in the broadest, reasonable understanding of those words.

The Examiner, however, does recognize that Applicant's claims do regard showing relationships between and among events. The Examiner however, disagrees with Applicant's interpretation of the reference regarding these limitations. An "event" is defined in the Brief Glossary to represent the generalized class of masses, beings, entities, interactions, fields, and energies, with a platen being a boundary between events. The Examiner considers the teachings of the reference at column 4, lines 32-50 that teaches dividing a spherical surface in intervals from which an energy line is emitted with a calculated intensity to be equivalent to an "event" with the divisions performed via platens, thus creating domains and domain boundaries. Since there exists (in col. 3, lines 51-65) an intensity adding part for adding to each other the intensity of arrived heat energy of the energy line for each solid surface where the energy has been arrived, the Examiner considers this to show a relationship between and among events in the broadest, reasonable understanding. The Examiner believes that this is further supported by the teaching (col. 4, line 40-col. 5, line 26) of the use of a moving point-to mesh boundary distance calculating part. This part has a distance comparing and deciding part that is related to energy lines from a moving point that arrive at mesh boundaries in each of three directions determined by the calculated angles in the storage device. The meshes are generated and reconstructed. The Examiner understands the reference to teach in these sections a relationship between multiple arrival points related to the energy lines such that Applicant's claim language regarding the relationship between (or among) multiple events is anticipated.